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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/545,194	08/11/2005	Man-Yop Han	H05950.0026/P026	9959
24998 7590 01/12/2009 DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403				
EXAMINER				
BRADFORD, CANDACE L				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
01/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/545,194

Applicant(s)

HAN, MAN-YOP

Examiner

CANDACE L. BRADFORD

Art Unit

3634

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka discloses a scaffolding system for supporting the excavated earth retaining wall 1, by forming a polygonal closed section, comprising a prestressed wale 2, comprising a plurality of triangular tendon supports 6, in the middle portion, a tendon-anchoring unit 5, at both ends of said wale and a connecting brace for connecting said supports and said tendon-anchoring unit, but fails to disclose a strut, as described in the abstract, constituted by a truss or a plurality of H-beams or an H-beam having a large cross section and supporting said tendon-anchoring unit. Inoe teaches the utility of struts 11,12, 18 used to give additional support to a shoring apparatus. Therefore, it would be obvious to one of ordinary skill in the art to provide the shoring apparatus of Hosaka with shoring struts as taught by Inoe so as to give additional support to a shoring apparatus.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses the system as defined in claim 1, wherein said triangular tendon support 6, is constituted by a vertical

member and inclined member, or only by vertical members, or only by inclined members for forming a triangle and supporting said wale, as best seen in Figure 1.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses the system as defined in claim 1, wherein said triangular tendon support 6, is supported and connected by an intermediate pile 10, and a support beam for the tendon support, as best seen in Figure 3.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses the system as defined in claim 1, wherein said tendon-anchoring unit fixes a tendon and couples with said wale 2, for applying the compression force and further couples with said inclined member or vertical member 10, for supporting the generated force.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses the system as defined in claim 4, wherein said tendon-anchoring unit forms an isosceles triangle, as best seen in Figure 1, by using frame materials, the corner of said isosceles triangle is reinforced by a reinforcing member, wherein said tendon 6, is fixed at one corner of said isosceles triangle and a member facing said corner is directly connected to a truss strut or through a hydraulic jack 12 or a screw jack, and the portion connected with said wale has a length adjusting function, as best seen in Figure 3.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses the system as

defined in claim 4, wherein said tendon-anchoring unit forms a trapezoid by using frame materials, the corner of said trapezoid is reinforced by a reinforcing member, said tendon 6 is fixed at both corners, and the middle portion is directly connected to said truss strut or through a hydraulic jack 12, or a screw jack, as best seen in Figure 3.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses the system as defined in claim 4, wherein said tendon-anchoring unit may be provided with an inclined or vertical strut, a tendon 6, entered from one side of said tendon-anchoring unit is fastened at an opposite side, a single wale 2, or a double wale may be supported by said tendon-anchoring unit, as best seen in Figure 3, and said tendon-anchoring unit is equipped with a screw jack 12, or a precedent load jack having a length adjusting function.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses a scaffolding system forming a polygonal closed section only by using a prestressed wale 2, comprising a plurality of triangular tendon supports in the middle portion, a tendon-anchoring unit at both ends of said wale, and a connecting brace 3, for connecting said supports and said tendon-anchoring unit, as best seen in Figure 1.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses the system as defined in claim 8, wherein said tendon-anchoring unit is a corner anchoring unit and is

designed to be connected with said wale 2, and to fix a tendon 6, at both sides as best seen in Figure 1.

Response to Arguments

Applicant's arguments, see remarks, page 5, lines 4-8, filed 10/30/08, with respect to the rejection(s) of claim(s) 1-9 under Hosaka (JP63019334) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hosaka (JP63019334) in view of Inoe (3710578).

The applicant's attention is drawn to page 5 of the remarks. The applicant states element 10 of Hosaka does not connect to the element 6. As interpreted by the examiner, the tendon support 6 is connected to element 10 by the use of element 12 in the Hosaka patent. The applicant states that element 6 of the Hosaka reference is not an isosceles triangle. As interpreted by the examiner, the tendon supports 6 and wailing 2 for an isosceles triangle support, as best seen in Figure 1. The tendon 6, is formed in a triangular fashion with two equal sides. The applicant's attention is drawn to page 8 of the remarks. The applicant states the Hosaka reference does not teach a plurality of triangular tendon supports in the middle portion. As interpreted by the examiner the middle portion is the area located inside of the braces. There is more than one tendon support 6, and the tendons are shaped in a triangular fashion. The applicant states the Hosaka reference does not teach a tendon-anchoring unit with is a corner anchoring unit. As interpreted by the examiner, each tendons support 6, are connected to one another at each corner of the apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin C. Chin-Shue/
Primary Examiner, Art Unit 3634

Candace L. Bradford
Patent Examiner
Art Unit 3634

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January 8, 2009